



Joint Legislative Commission on Governmental Operations

November 18, 2015

Winston-Salem/Forsyth County Schools is dedicated to three goals it adopted in 2014:

- By 2020, 90 percent of third-grade students will read on or above grade level.
- By 2018, its graduation rate will be 90 percent.
- By 2018, WS/FCS will close the achievement gap between subgroups by 10 percentage points while increasing the performance of all subgroups.

Winston-Salem/Forsyth County Schools is complying with the legislation governing low-performing schools.

- WS/FCS created a district plan to support low-performing schools as the legislation requires.
- 115C-105.37 states that within 30 days of identifying low-performing schools, a superintendent shall submit a preliminary plan for improving schools.
 - The Department of Public Instruction identified low-performing schools on Oct. 1, and Dr. Emory submitted a plan to the Board on Oct. 27.
 - A link to the plan has been posted on every low-performing school's website and the district's website.
 - The district is holding a public hearing on Nov. 24 to gather more public feedback, and that has been advertised on the web and in local media. Letters have been sent to families at the schools notifying them as well.
 - The Board will vote to approve, modify or reject the plan on Nov. 24, within the 30 days required by 115C-105.37.
 - If the Board approves the plan, WS/FCS has until Nov. 29 to submit it to the State Board of Education.
 - WS/FCS sent notification to families as quickly as possible, with families receiving it by Nov. 17.

Winston-Salem/Forsyth County Schools has also complied with what it can in the legislation requiring action for principals in low-performing schools.

- The new legislation in 115C-105.37(a1) resulted in identification of low-performing schools by the State Board of Education on Oct. 1.
- Subsection (1) of the revised statute triggered 115C-105.39, which says that within 30 days of identification of a school as low-performing, the principal must be dismissed, demoted, put on a plan of action or transferred and put on a plan of action.
- The legislation also says "[w]ithin 15 days of its decision concerning the superintendent's recommendation, **but no later than September 30**, the local board shall submit to the State Board a written notice of the action taken and the basis for that action." (Emphasis added)
- Because low-performing schools were not identified until one day **after** statutory action would have been required by the Board, literal compliance with legislation is impossible.
- WS/FCS will **substantially comply** during the 2015-16 school year through the mandatory improvement plan (MIP) process, as outlined in a resolution its Board passed on Oct. 27.

- This follows 115C-333, which requires districts to evaluate every licensed employee in a low-performing school and put the employee on an MIP if that employee receives a rating on any standard below proficient or otherwise represents unsatisfactory or below-standard performance. If any employee – including a principal – is not performing adequately, he or she will be placed on an MIP.
- Complying with 115C-105.39 also conflicts with other state laws, such as 115C-45, which states that a local board of education can't take action against a school employee if the action is **arbitrary or capricious**. 115C-105.39 is arbitrary and capricious because it requires action against principals of low-performing schools who have been there for more than two years – regardless of a principal's prior performance or evaluations.
- WS/FCS can get the same result by following the MIP process. To consolidate efforts and to avoid litigation over arbitrary/capricious action, it makes sense to use the MIP process to determine if a plan of remediation, dismissal or demotion is appropriate.

WS/FCS also believes:

- Student growth should be given a heavier weight, both in the calculations of school performance grades and the designation of low-performing schools. Proficiency should never be ignored, but schools should not be punished when students are growing as they are expected to grow.
- It needs to create a culture that attracts top principals, teachers and leaders to low-performing schools. WS/FCS doesn't believe that giving principals just two years to turn a school around before they are penalized creates that culture. WS/FCS welcomes the opportunity to collaborate with the General Assembly in ways that can build that culture, and accountability must be a key part of that culture to recruit and retain the highest-quality staff.
- Research shows that low-performing schools take five to seven years to turn around. Students will not benefit from a revolving door of new leadership every two years, but they can grow under strong, consistent leadership.

In regards to questions about employee retirement benefits, WS/FCS has granted professional leave to employees, and organizations have paid to reimburse the district for the cost of salary and benefits.

Specifically, WS/FCS has granted leave to employees who served the N.C. Association of Educators and Forsyth County Association of Educators. This arrangement has existed and standard language used in the contracts since at least 2000. WS/FCS does not make eligibility determinations for the retirement system, and other districts have made similar arrangements.

The contracts:

- Grant professional leave.
- Require the organizations to reimburse the district for salary and benefits.
- State that parties believe each employee is eligible for membership in TSERS, but "[s]hould the trustees or administrators of TSERS determine [he/she] is ineligible for membership in TSERS, it is agreed by the parties the WS/FCS shall not be legally liable in any way or manner to compensate [him/her] for the loss of credible services in TSERS during the term of this Agreement."